

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re REFCO CAPITAL MARKETS, LTD.  
BROKERAGE CUSTOMER  
SECURITIES LITIGATION

VR GLOBAL PARTNERS, L.P., et al.,

Plaintiffs,

v.

PHILIP R. BENNETT, et al.,

Defendants.

06 Civ. 643 (GEL)

07 Civ. 8686 (GEL)

**NOTICE OF MOTION**

*Electronically Filed*

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and upon all proceedings heretofore had herein, the undersigned, on behalf of Defendant TONE GRANT, will move this Court, before the Honorable Gerard E. Lynch, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, for an Order dismissing the claims against Mr. Grant pursuant to Rules 9 (b) and 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
February 21, 2008

Respectfully submitted,

s/ Laura E. Neish  
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